

Exhibit A

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 20-12345-mg

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5 In the Matter of:

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7 THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE, NEW YORK,

8

9 Debtor.

10 - - - - - x

11

12 United States Bankruptcy Court

13 One Bowling Green

14 New York, NY 10004

15

16 September 6, 2023

17 2:01 PM

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21 B E F O R E :

22 HON MARTIN GLENN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO: JONATHAN

1 HEARING re Hybrid Hearing RE: Eighth Application for Interim
2 Professional Compensation Feb 2023-May 2023 for Sitrick
3 And Company Inc. [Docket No. 2288, 2346, 2364].
4

5 HEARING re Hybrid Hearing RE: Fifth Application for Interim
6 Professional Compensation for Services as Counsel to Future
7 Claims Representative for Joseph Hage Aaronson LLC [Docket
8 No. 2318, 2346].
9

10 HEARING re Hybrid Hearing RE: Jones Day's Eighth Interim
11 Application for Allowance of Compensation for Services
12 Rendered and Reimbursement of Actual and Necessary Expenses
13 Incurred During Retention Period From February 1, 2023 to
14 May 31, 2023 [Docket No. 2302, 2346, 2364]
15

16 HEARING re Hybrid Hearing RE: Eighth Application for Interim
17 Professional Compensation and Reimbursement of Expenses
18 as Counsel to the Official Committee of Unsecured Creditors
19 for Pachulski Stang Ziehl & Jones LLP, Creditor Comm. Atty,
20 period: 2/1/2023 to 5/31/2023 [Docket No. 2324, 2346].
21

22 HEARING re Hybrid Hearing RE: Eighth Interim Application of
23 Alvarez & Marsal North America, LLC for Allowance of
24 Compensation for Services Rendered and Reimbursement of
25 Expenses Incurred as Restructuring Advisor to the

1 Debtor During the Period from February 1, 2023 Through May
2 31, 2023 [Docket No. 2303, 2346, 2364]

3
4 HEARING re Hybrid Hearing RE: Fifth Application for Interim
5 Professional Compensation for Services as Financial Advisor
6 to Future Claims Representative (Amended) for Michael R.
7 Hogan, Other Professional, period: 2/1/2023 to
8 5/31/2023 [Docket No. 2328, 2346].

9
10 HEARING re Hybrid Hearing RE: Eighth Application for Interim
11 Professional Compensation for Professional Services
12 Rendered and Reimbursement of Expenses Incurred as Special
13 Counsel to the Debtor from February 1, 2023 through May 31,
14 2023 for Nixon Peabody LLP [Docket No. 2309, 2346].

15
16 HEARING re Hybrid Hearing RE: Third Interim Fee Application
17 of Jefferies LLC for Compensation for Professional Services
18 Rendered and Reimbursement of Expenses Incurred as
19 Investment Banker for Debtor and Debtor In Possession
20 from February 1, 2023 to and Including May 31, 2023 for
21 Jefferies LLC [Docket No. 2313, 2346].

22
23 HEARING re Hybrid Hearing RE: Fifth Application for Interim
24 Professional Compensation for services rendered and
25 reimbursement of actual and necessary expenses incurred for

1 Forchelli Deegan Terrana LLP, Special Counsel,
2 period: 2/1/2023 to 5/31/2023 [Docket No. 2314, 2346].

3
4 HEARING re Hybrid Hearing RE: Fifth Application for Interim
5 Professional Compensation for Services as Future Claims
6 Representative for Robert E. Gerber, Other Professional,
7 period: 2/1/2023 to 5/31/2023 [Docket No. 2316, 2346].

8
9 HEARING re Hybrid Hearing RE: Second Application for Interim
10 Professional Compensation as Special FCC Counsel for
11 Lerman Senter PLLC, Special Counsel, period: 2/1/2023 to
12 5/31/2023 [Docket No. 2320, 2346].

13
14 HEARING re Hybrid Hearing RE: Eighth Application for Interim
15 Professional Compensation for Reed Smith LLP, Special
16 Counsel, period: 2/1/2023 to 5/31/2023 [Docket No. 2327,
17 2346].

18
19 HEARING re Hybrid Hearing RE: Eighth Application for Interim
20 Professional Compensation for Allowance of Compensation
21 and Reimbursement of Expenses as Special Insurance Counsel
22 for Burns Bair LLP, Special Counsel, period:
23 2/1/2023 to 5/31/2023 [Docket No. 2321, 2346].

24
25 HEARING re Hybrid Hearing RE: Eighth Application for Interim

1 Professional Compensation and Reimbursement of Expenses
2 as Financial Advisor for Berkeley Research Group, LCC,
3 Consultant, period: 2/1/2023 to 5/31/2023 [Docket No.
4 2322, 2346].

5
6 HEARING re Hybrid Hearing RE: Debtors Motion for Entry of an
7 Order Further Amending the Bar Date Order. (Doc# 2404,
8 2450, 2451)

9
10 HEARING re Hybrid Hearing RE: Debtor's Sixteenth Omnibus
11 Objection/ Motion for Omnibus Objection to Claim(s) Number:
12 90430; 90447; 202436 to 2440048; 90036; 90301; 90283; 90456;
13 90023; 90247; 90379; 90255; 90483; 90429;
14 90321; 90363; 90261; 90413; 90455; 90454; 90450 90451;
15 90452; 90453; 90494; 90522; 90130; 90083; 90021;
16 90358; 90424 90380; 90214; 90215. (Doc## 2372, 2423, 2426 to
17 2428, 2430 to 2434, 2436 to 2440)

18
19 HEARING re Hybrid Hearing RE: Debtor's Motion, Pursuant to
20 Bankruptcy Rule 9019, Seeking Entry of an Order Approving
21 the Settlement Between the Debtor and Catholic Health System
22 of Long Island, Inc.. (Doc## 2385, 2386, 2419)

23
24
25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

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1 P R O C E E D I N G S

2 CLERK: All right, starting the recording for
3 September 6th, 2023 at 2 p.m., calling the Roman Catholic
4 Diocese of Rockville, New York. Case Number 20-12345. Are
5 parties ready to make appearances or do you want a few
6 minutes?

7 MR. GEREMIA: Sure. Ms. Anderson, Todd Geremia
8 from Jones Day for the debtor.

9 CLERK: Thank you, Todd.

10 MR. ROSENBLUM: Ben Rosenblum, Jones Day, for the
11 debtor.

12 MAN 1: 00:33, Jones Day for the debtor.

13 MS. DINE: Karen Dine, Pachulski Stang Ziehl and
14 Jones on behalf of the committee.

15 CLERK: Thank you.

16 MR. GALARDI: Gregg Galardi for CHS Services --

17 CLERK: Okay, thank you.

18 MR. GALARDI: -- of Ropes and Gray.

19 CLERK: All right. I'm going to (indiscernible).
20 Again, any parties in the courtroom, please come to the
21 middle podium to state your appearance.

22 MR. ZIPES: Hello, I can't see you but -- or the
23 camera, Greg Zipes with the US Trustee's Office.

24 CLERK: Okay. Thank you, Greg. Is there anyone
25 else on Zoom that would like to note their appearance?

1 MR. GERBER: Yes, I will, Deanna. Robert E.
2 Gerber, future claims representative, appearing on my own
3 behalf and on behalf of my firm, Joseph Hage Aaronson. If
4 he cannot speak on his own, I will also speak for Mr. Hogan.

5 CLERK: Thank you so much. Any additional parties
6 that are giving their appearance, please use the raised-hand
7 function and state your appearance for the record. Mr.
8 Silvershein.

9 MR. SILVERSHEIN: Good afternoon, Andrew
10 Silvershein with Herman Law. Thank you. All right, Mr.
11 Burns.

12 MR. BURNS: Good afternoon. It's Tim Burns for
13 the committee, special insurance counsel, and for our law
14 firm, Burns Bair.

15 CLERK: Thank you. All right, Mr. Luckman.

16 MR. LUCKMAN: Rod Luckman of Forchelli Deegan
17 Terrana, special real estate counsel to the debtor.

18 CLERK: All right. Thank you. All right, Mr.
19 Javian.

20 MR. JAVIAN: Good afternoon, Aaron Javian from
21 Reed Smith LLP, special insurance counsel to the debtor on
22 behalf of Reed Smith.

23 CLERK: Thank you. Mr. Strong.

24 MR. STRONG: Yes, Ray Strong on behalf of BRG, the
25 financial advisor to the secured creditors committee.

1 CLERK: Thank you. Mr. Burns. Mr. Burns, I don't
2 know if you can hear me.

3 MR. BURNS: Oh, I can. Do you hear me?

4 CLERK: Yes, I can.

5 MR. BURNS: I'm -- super. I thought I had already
6 given my appearance. So you may not have been able to hear
7 me at the time. It's Tim Burns, special insurance counsel
8 for the committee and here I'm behalf of my law firm, Burns
9 Bair as well. And with me, I believe or will be with me
10 shortly. I meet in the (indiscernible) so in case I run
11 into communication problems, I have my colleague, Nathan
12 Kuenzi from my office, who will appear in my place.

13 CLERK: Okay. I did not see them admitted yet,
14 but I will make sure that he's admitted.

15 MR. BURNS: Okay. Thank you very much.

16 CLERK: You're welcome.

17 MR. STANG: This is Jim Stang. I was only going
18 to speak if the Judge asked me.

19 CLERK: Hi, Mr. Stang, you're coming in a little
20 choppy.

21 MR. STANG: I was only intending to speak if the
22 Judge had questions from me.

23 CLERK: Okay. You're still coming in a little
24 choppy. I don't know what if you want to try logging back
25 in -- out and coming in or --

1 MR. STANG: I, I will try that.

2 CLERK: Okay. Again, for any parties that have
3 come into the courtroom, if anyone speaking on the record
4 has not given their appearance yet, please do so.

5 MS. CANTOS: Sarah Cantos from Merson Law on
6 behalf of Claimants 9043, refilled as 90600; 90447, refilled
7 as 90599; and 90424, refilled as 90610.

8 CLERK: Thank you. And any parties in the
9 courtroom or on Zoom that are -- have not stated, stated
10 their appearance yet, please unmute your line and state your
11 appearance.

12 All right. For the parties that have joined, if
13 anyone is speaking on the record this afternoon, please
14 unmute your line and give your appearance.

15 All right. Again, if any parties are speaking on
16 the record this afternoon and have not given their
17 appearances, please unmute your line and state your
18 appearance for the record.

19 MR. MOORE: Hello, this is Charles Moore with
20 Alvarez and Marsel, restructuring advisor to the debtor.

21 CLERK: All right. Thank you. And any parties
22 that have joined, if you're stating your name on the record,
23 please unmute your line and state your appearance.

24 All right, counsel, are the parties ready or are
25 we waiting for anyone? Perhaps starting with counsel in the

1 courtroom?

2 MR. GEREMIA: The debtor is ready, Ms. Anderson.

3 THE COURT: Okay, thank you. And the creditors
4 committee?

5 MS. DINE: The committee is ready.

6 CLERK: All right, thank you.

7 DEPUTY: All rise.

8 THE COURT: Please be seated. Good afternoon,
9 everyone. I haven't seen you in quite some time.

10 MR. BUTLER: Good morning, Your Honor, Andrew
11 Butler with Jones Day for the debtor.

12 THE COURT: Just give me a second. Okay? All
13 right. Thank you. Go ahead, Mr. Butler.

14 MR. BUTLER: Your Honor. We have four categories
15 of items set to be heard this afternoon. Your Honor,
16 typically if the applications are heard last, we'd actually
17 propose to flip the script, have those heard first and let
18 any folks who are on for today's hearing --

19 THE COURT: And also, I want an update.

20 MR. BUTLER: Case update, Your Honor?

21 THE COURT: Update on where things are in the
22 case. It's been a while since we all have been here.

23 MR. BUTLER: Of course, Your Honor. So quickly
24 from the debtor's perspective, Your Honor, we -- following
25 Your Honor's decision on the motion to dismiss, we've been

1 hard at work to bring this case to a consensual resolution
2 by October 31st or before, if possible. Your Honor, we've
3 focused those efforts in two main areas. First, Your Honor,
4 we've focused on small-momentum-creating items, consistent
5 with Your Honor's admonition to try to make progress and
6 momentum. Two of those items are on for hearing today.
7 Those are uncontested motions. The first is the CHS motion
8 and the second is an amendment to the bar date. Your Honor,
9 we see those as items that we sought to move forward. The
10 committee is not opposed to those and we, we see them as
11 areas of agreement. So we've heard Your Honor's admonitions
12 and we're seeking to bring those to Your Honor, Your Honor's
13 attention today.

14 Second, Your Honor, in coordination with the
15 mediators, we've been busy meeting with individual
16 plaintiff's firms. We've held about a dozen meetings with
17 individual firms to educate them about their claims, discuss
18 the elements of a plan, and answer any questions they may
19 have. We want to make sure that the plaintiff's firms know
20 what the debtor is proposing and what the plaintiff's other
21 options are. We believe the motion to dismiss litigation
22 and hearing underscored the importance of this effort. And
23 we've also been mediating with the committee. We have,
24 we've had sessions since Your Honor's decision was issued on
25 the motion to dismiss and we have about a half dozen

1 sessions set up in the second half of September.

2 So we're actively pushing forward in those two
3 areas. And if Your Honor has questions about the state
4 court litigation or the 157(b)(5) litigation, my colleague
5 Mr. Geremia would be happy to answer those.

6 THE COURT: Yeah, I do have some questions. So I
7 read Judge Gary Brown's decision remanding those removed
8 actions that were before him in the eastern district and he
9 indicated, with some alarm, the number of different judges
10 in the eastern district who had cases. I only learned about
11 it because Bill Rochelle had a column about it, you know, on
12 the ABI, daily ABI blog. So I don't, I have no idea what's
13 happened with the motions that you -- motion that you've had
14 pending in the southern district. I don't know what's
15 happened with any of the other remand motions in the eastern
16 district. Could you and -- could you fill me in about it
17 and then I want something filed on the docket in writing
18 that's an update and I realize those are not actions against
19 the debtor, but they're against the non-debtor parties. And
20 I would like to know what's happened.

21 MR. GEREMIA: Sure, Your Honor, just to, with
22 respect to --

23 THE COURT: Please identify yourself.

24 MR. GEREMIA: Todd Geremia from Jones Day for the
25 debtor. There had been a proposal, we were talking with the

1 committee, as a conduit to plaintiff's counsel concerning
2 taking all those remanded cases and transferring them to the
3 southern district that we were not able to reach agreement
4 on. So it didn't happen.

5 THE COURT: Surprise, surprise.

6 MR. GEREMIA: But we were trying to --

7 THE COURT: I can't believe you even thought you
8 were going to do that.

9 MR. GEREMIA: Well, we -- that was actually in
10 conjunction with a discussion that was partly fruitful,
11 which was to, to reach an agreement among all defense
12 counsel and all plaintiff's counsel in those cases to hold
13 off on discovery and initial conferences pending the remand
14 motions. That we were successful, but we weren't able to
15 get an agreement on.

16 THE COURT: So have remand motions been -- how
17 many cases were removed to the eastern district?

18 MR. GEREMIA: There were approximately 200 cases
19 removed. And of those, 137, I think to date, have been
20 remanded.

21 THE COURT: How many judges have remanded cases so
22 far? I only read the one opinion.

23 MR. GEREMIA: Mr. Geremia. I know it's about five
24 I think?

25 THE COURT: Go ahead, Ms. Dine.

1 MS. DINE: My understanding is that six judges
2 have remanded now, 142 cases, as of just yesterday. That
3 there are, I believe, two judges who have not remanded their
4 cases. One, I believe, was because he's waiting to hear
5 what the southern district does with the motion. And I
6 believe there are at least about 71 cases still pending
7 where there's not been a decision.

8 THE COURT: But motions have been made in those
9 other 71?

10 MS. DINE: I believe so, yes, sir.

11 THE COURT: All right. So update me on where
12 things stand in, in the southern district.

13 MR. GEREMIA: So in the southern district, the
14 committee, in a conference before Judge Schoenfeld, argued
15 that -- wanted to reargue the notion of whether the
16 reference should have been withdrawn from the bankruptcy
17 court in conjunction with the 157(b)(5) petition. So the
18 judge in the district court allowed them to make a motion
19 for reconsideration with respect to withdrawing the
20 reference. And that is being briefed now and will be fully
21 briefed by this Friday.

22 MR. STANG: Your Honor, this is Mr. Stang.
23 (indiscernible).

24 THE COURT: Could you wait a second, Mr. Stang?

25 MR. STANG: Of course. Of course, Your Honor.

1 THE COURT: Anything else, Mr. Geremia?

2 MR. GEREMIA: No. My understanding is there's not
3 a -- there hasn't been a further briefing schedule on the
4 petition itself until that motion for reconsideration is
5 decided.

6 THE COURT: Okay. And what -- so you say -- what
7 briefs have been filed on? You said it will be fully
8 briefed by this Friday. What, what briefs have been filed?

9 MR. GEREMIA: A brief in support of the motion for
10 reconsideration, an opposition by the petitioner of the
11 debtor, and there will be a reply as of Friday.

12 THE COURT: Ms. Dine.

13 MS. DINE: Your Honor, I just wanted to clarify
14 why, relative to the motion for reconsideration. The
15 committee was not heard in the first instance on the motion
16 to withdraw the reference. The debtor filed a letter motion
17 and the court withdrew the reference --

18 THE COURT: Yeah, they have been referred here.
19 And then I saw a letter that the district court withdrew
20 them. I've had no contact with anybody about it.

21 MS. DINE: So the committee had not had a chance
22 to be heard on this issue. And that is the reason for the
23 request. It's not really the argument, but --

24 THE COURT: Okay, when it's fully briefed, could
25 somebody send me all of the briefs that have been filed?

1 MR. GEREMIA: Yes, Your Honor.

2 THE COURT: Has the judge indicated whether she's
3 going to hear argument on it or just decide on the papers?

4 MR. GEREMIA: I don't know the answer to that.

5 THE COURT: Okay. So I read the one opinion in
6 the eastern district. Have any of the other judges written
7 opinions or they simply ordered to remand?

8 MS. DINE: Your Honor, I do believe that two other
9 judges wrote opinions about one, I think, referring to just,
10 the first and the other, though, referring to that, but also
11 based on its own analysis of motion.

12 THE COURT: Could you also send me whatever
13 opinions have been written on remand motions in the eastern
14 district.

15 MR. GEREMIA: Yes, Your Honor. Would Your Honor
16 like those filed on the docket or emailed the chambers or
17 both?

18 THE COURT: Let's spare the docket. It's very
19 long enough. They're, they're on a public docket somewhere.
20 I just don't have them. As I say, thanks to Bill Rochelle,
21 I read one of them. So you can just send them to chambers.

22 MR. GEREMIA: We will.

23 THE COURT: All right. They can, they can be
24 emailed attached as attachments to an email. All right.
25 Anything else on the background?

1 MR. GEREMIA: Not unless Your Honor has any
2 further questions.

3 THE COURT: Mr. Stange wanted to be heard. Go
4 ahead.

5 MR. STANG: Thank you. Your Honor. Your Honor,
6 I'm in a place where my reception may not be adequate and I
7 turned off my video to try to enhance the audio.

8 THE COURT: Okay. I hope it's a nice place.

9 MR. STANG: Not really, but it's the nice -- I'm
10 in Boston but it's not a nice hotel.

11 THE COURT: Okay.

12 MR. STANG: Your Honor, with respect to the
13 dismissal hearing, I hope somewhat tongue in cheek you asked
14 me, you told me I was being a bit thin-skinned when I was
15 commenting about how we had not been communicated --

16 THE COURT: Mr. Stang, Mr. Stang, hold on. I
17 think you need to back up a little bit from the microphone
18 because your, your voice is not coming through. Try it
19 again .

20 MR. STANG: So Your Honor, at the dismissal
21 hearing, I hope it was somewhat tongue in cheek, you said to
22 me, I seem to be a bit thin-skinned because I was commenting
23 that we had not been commented -- consulted about certain
24 mediations. So with that in mind, we heard through the
25 grapevine several weeks ago, if not months now, maybe two

1 months, that the debtor had reached out to certain law
2 firms, including law firms representing committee members,
3 that they want to have these calls. During our weekly
4 status call with the debtor, we asked about, are you doing
5 this? Why are you doing it? What are you saying? We were
6 told it was -- well, we were not given subjective answers to
7 any of the questions. We subsequently learned through
8 certain state court counsel about the calls and we asked --
9 we were asked through the mediator, if we could hear the
10 presentation made between those, with the counsel. And
11 eventually, and I think eventually means about two weeks
12 ago, maybe a week now, Ms. Ball and her team gave us an
13 example of what they were saying to state court counsel,
14 without the detail (indiscernible) counsel's claims, because
15 they got into some claims information for district court
16 (indiscernible).

17 You said in your opinion on the dismissal motion,
18 that there needed to be a (indiscernible). We understood
19 that the debtor's focus would be on negotiations with the
20 committee. But it was not until we, in effect, demanded
21 through the mediators that we'd be given an exemplar
22 presentation that it was given to us. And so we don't think
23 that's working the best efforts to the consensus that
24 (indiscernible). So I wanted you to know what our
25 involvement was, and perhaps more importantly, our lack of

1 involvement and how the debtor has gone around to individual
2 law firm to try to communicate what I have to call a
3 proposal. So I want, I just want you to know that.

4 THE COURT: You know, Mr. Stang, I have no
5 involvement in the mediation. The judicial mediator was
6 appointed by the district Court. I certainly entered an
7 order clarifying that, that, you know, in my view, hopefully
8 it covered the bankruptcy case as well. I've had absolutely
9 no communications with either of the mediators. Indeed, I
10 was going to ask today what the status of mediation is. If,
11 you know, all I can say is if you have complaints about who
12 is or is not included in the mediation, take it up with the
13 mediators. I'm, you know, I have no involvement whatsoever
14 other than active encouragement with the mediation. I hear
15 you loud and clear. I'm sure you were loud and clear with
16 the debtor's counsel expressing your displeasure, but, you
17 know, take it up with the mediators.

18 MR. STANG: Your Honor, I just wanted to, when,
19 when counsel for the debtor stands up and gives you a report
20 on their efforts to reach the October 31 deadline of a
21 consensual plan, I thought it was appropriate for me to
22 respond to let you know to what extent the committee has
23 been involved or not involved in those efforts. I'm not
24 asking you to obviously, -- I hope it's obvious -- I'm not
25 asking you to intervene in the mediation or do anything

1 about the mediation, but I can't quietly while counsel
2 advertised to you what they're doing to reach the deadline,
3 which I thought was an incomplete depiction of the
4 situation.

5 THE COURT: Okay. So look, I'm just going to
6 reiterate, I came, I brought with me a copy of my order
7 denying the motion without prejudice. It's ECF 2329 and on
8 Page 8, Paragraph Number 2, says, The Court finds that the
9 debtor's deadline is more reasonable under these
10 circumstances. For that reason, the Court orders that the
11 debtor file an amended plan of reorganization and disclosure
12 statement or at a minimum -- or at minimum, a term sheet for
13 a plan that is supported by both the debtor and the
14 committee by October 31, 2023. Time is a running. I was
15 serious about what I said in the order. So we'll see.

16 MR. GEREMIA: I have a few words in response,
17 Judge.

18 THE COURT: Not yet. Go ahead, Mr. Stang.

19 MR. STANG: As I say, I'll leave it to Mr. Geremia
20 to tell you what the scheduling is for the mediations that
21 are with the committee. I think it's more appropriate that
22 he do.

23 THE COURT: You all better light a fire under
24 everybody and move along. I was serious about that date. I
25 remain serious about the date.

1 MR. STANG: I -- sorry, I apologize.

2 THE COURT: I don't want to be the first judge to
3 dismiss a diocese case, but it may be, it may be. I
4 thought, well -- other judges, other district judges will
5 deal with the ploy to remove state court actions, which was
6 a central part of the decision that I rendered on the
7 preliminary injunction. That's for them to decide, not for
8 me, but you all better get real if you think that these
9 cases are going to get resolved in bankruptcy. They'll all
10 become moot if I dismiss the case. Your efforts to remove
11 cases on bankruptcy jurisdiction will be moot after the end
12 of October. Now you also have to contend with the Supreme
13 Court's grant of cert in Purdue. Anything else to report?

14 THE COURT: Let's move on to the docket. Mr.
15 Butler, I'm happy to take things out of order that you
16 requested.

17 MR. BUTLER: Absolutely, Your Honor. The agenda
18 at Docket Number 2459. Apologies, Your Honor --

19 THE COURT: I have a copy of it.

20 MR. BUTLER: Andrew Butler, Jones Day, for the
21 debt. The agenda does have interim fee applications first.
22 We propose to take those first. And, Your Honor, they're
23 listed in the order that they were filed. We're happy to
24 take them in that order or any or in any other order Your
25 Honor prefers.

1 THE COURT: Mr. Zipes, do you want to be heard
2 before we start going through them one at a time? Do you,
3 do you have issues you want to raise on behalf of the US
4 Trustee?

5 MR. ZIPES: Your Honor, I'll come to the mic. I
6 really don't have that much to say. Your Honor, Greg Zipes
7 with the US Trustee's Office. Obviously, legal fees and
8 professional fees are high in this case and my office has
9 had discussions with the various professionals. We are, to
10 a certain degree, deferring some of our issues because
11 there's a lot of litigation and other issues that the
12 parties are focused on. But one issue that we've been
13 discussing is, is a holdback on a, on a going-forward basis.
14 And, Your Honor, there is, in effect, a holdback based on
15 the monthly statements. And, Your Honor, we're going to
16 have that discussion with, with the professionals, whether a
17 holdback is appropriate.

18 THE COURT: Okay.

19 MR. ZIPES: But Your Honor, I should also mention,
20 which I didn't, that we, we are reviewing all the fees as
21 they come along. We have some overall questions, but again,
22 some of them are tied to litigation and, and what's going on
23 in the case. And we're, we're holding off on some possible
24 objections for that reason.

25 THE COURT: Okay. So obviously whatever I do on,

1 on interim fee applications is subject to be at any final
2 applications. So it doesn't, you, you're well within your
3 rights, the US Trustee, to continue to raise issues and
4 perhaps put them off until there's a final, request for
5 final approval when we get to that.

6 MR. ZIPES: That's, that's our understanding and
7 that, that's everybody's understanding, Your Honor. I can
8 speak for everybody else on that.

9 THE COURT: Thank you, Mr. Zipes. I appreciate
10 that. There -- Mr. Butler, there, there are a few where I
11 have questions. I think, you know, there's a lot, 14
12 applications, a lot of money.

13 Let me raise the ones that I have the specific
14 questions about. You know, some of these questions really
15 stem back from -- obviously, I took this case over from
16 Judge Chapman. The procedures on fee orders had all been
17 entered before I took over the case. And so I previously
18 raised with the committee where some of the experts that
19 they had retained, whether there was sufficient information
20 included. And I think we've got a long way to solving that.
21 The one, one of those that I have a question for this
22 hearing is the, the Reed Smith application, ECF 2327. It
23 also includes the request for reimbursed fees and expenses
24 incurred by KCIC, the debtor's consulting expert. That
25 amount is \$379,767.50, see their application in Paragraph

1 24. And I appreciate that Reed Smith says they reviewed the
2 KCIC's fees and expenses for reasonableness and believes
3 they are. So the expert retention order does not require
4 the debtor or committee, as applicable, to submit detailed
5 statement or invoices with respect to services rendered or
6 expenses incurred by the experts, in expert retention order,
7 Paragraph 3. Reed Smith has provided unredacted copies of
8 the KCIC invoices to the Court and the US Trustee. It's in
9 the application at Paragraph 25. I think in this case,
10 these invoices are sufficiently detailed and do not contain
11 block billing and Reed Smith indicated at a high level
12 KCIC's work during the interim period centered on work
13 relating to valuation matters.

14 I'm going to approve it, but I'm, I'm concerned
15 that I'm not, you know, I'm -- and I understand this is an
16 order that's in place. I'm not saying change it. I'm just
17 concerned, I don't know whether Mr. Zipes, whether you've
18 had the ability to dig down on some of this. I'm dropping
19 my pen -- hang on, I drop something. This is a different
20 one. I'm sorry. Maybe you can tell me, Mr. Zipes, what --
21 because this came up with the committee and one of their
22 experts, and this is the Reed Smith expert that's included,
23 it's a concern that I have. I think this one, Reed Smith
24 did provide a lot of detail about it, but there's big
25 dollars that are, that are going into some of these

1 applications, which would not be the normal way of handling
2 them.

3 MR. ZIPES: Your Honor, Greg Zipes with the US
4 Trustee's Office. My office did review those fees and we
5 completely agree with the Court that there are large fees
6 involved here. There are, there are complex issues that the
7 parties are working on. And again, my office is taking a-
8 wait-and-see approach on, on these matters generally. In
9 retrospect -- or not in retrospect, but as we review fees
10 more closely, it may be that we'll be asking for reductions.
11 But as of now, we're not objecting.

12 THE COURT: Okay. And let me just see, let me
13 browse through my notes and see whether I have other
14 specific questions. Again, I'm going to approve it, but it,
15 it sort of jumps out at you when you look at the size of the
16 figures and it's not the normal way it's done. In respect
17 to the Chelsea Stang application, I think they have provided
18 substantially more detail than prior applications with
19 respect to the retained experts, Rock Creek Advisors,
20 Actuarial Value LLC, Rubin Law Group, Chartered, CBRE, Claro
21 Group/Stout Risius Ross. These fall into the category of
22 outside services. Well, no. So Chelsea Stang has not
23 provided information concerning other service providers
24 whose expenses also fall in the outside services category
25 including Mobile Parcel Carriers, Press Release, Everlaw

1 Specialized Legal Services and Horowitz Agency. The time
2 sheets reflect that Chelsea Stang has paid the invoices to
3 the service providers without further description. See the
4 Chelsea Stang application at 115. While the amounts paid to
5 the service providers that I'm referring to now are less
6 substantial than the amounts paid to the other experts where
7 I've raised your questions, I'm still -- it makes me
8 uncomfortable. I mean these add up to lots of dollars. I'm
9 going to approve them. And I appreciate that you did
10 provide a lot more detail on, on, on most of the outside
11 experts.

12 MR. STANG: Your Honor --

13 THE COURT: Go ahead, Mr. Stang.

14 MR. STANG: James Stang. If I may? I think for
15 those other service providers, I don't think they fall into
16 this expert category. So for example, Everlaw is the
17 platform that holds the documents that get produced and it
18 functions as a database. And I think that's why we didn't
19 give a description of those. But certainly in the next
20 application, we can provide a little more --

21 THE COURT: A little more, please. Okay. And I
22 appreciate that. And, again, I think in response to the
23 comments that I had at the prior hearing, I think you've
24 given a lot more details.

25 MR. STANG: And I believe Your Honor also should

1 have received the detailed invoices from all of the experts.

2 THE COURT: That's what I love to do, go through
3 all these detailed invoices.

4 MR. STANG: I'm sure you do.

5 THE COURT: My favorite task, as I'm sure it is
6 Mr. Zipes. AI is not there yet, so it's our task.

7 THE COURT: All right, let me look quickly and see
8 whether I have other comments. I'm not picking on anybody
9 about this. It's just when I look at these numbers, they're
10 staggering. It just -- I take it seriously.

11 All right. Let me go through this quickly. What
12 I have is -- and you can confirm these are the numbers,
13 okay? -- the Jones Day application seeks fees of \$5,907,378
14 and expenses of \$87,050.23. The application is ECF 2302.
15 Is that correct?

16 MR. BUTLER: Yes, Your Honor.

17 THE COURT: All right. It's approved. The Reed
18 Smith application is that ECF 2327. It seeks fees of
19 \$1,024,258.50, expenses of \$5432.08. Fees and expenses
20 sought by KCIC, LLC, \$379,767.50. Do I have all those
21 numbers right?

22 MR. BUTLER: Yes, Your Honor.

23 THE COURT: Okay. They're approved. And those
24 are both, the Jones Day and Reed Smith is eighth interim
25 application. And then the eighth interim application of

1 Alvarez and Marsel North America, LLC, ECF 2303, fees,
2 \$660,210, expenses, \$5408.93.

3 MR. BUTLER: Yes, Your Honor.

4 THE COURT: Approved. The eighth interim
5 application of Nixon Peabody, ECF 2309, fees, \$383,933.50,
6 expenses of \$657.32.

7 MR. BUTLER: Yes, Your Honor.

8 THE COURT: Approved. The eighth interim
9 application of Citric and Company, ECF 2288, fees, \$14,510,
10 no expenses. Approved. Pachulski Stang, application is at
11 ECF 2324, fees, \$4,649,399.75, expenses, \$395,540.85.

12 MR. BUTLER: Yes, Your Honor.

13 THE COURT: Approved. Eighth interim application
14 of Burns Bair, LLP, as special insurance counsel to the
15 creditors committee, fees, \$346,389.75, the expenses
16 \$7618.93.

17 MR. BUTLER: Yes, Your Honor.

18 THE COURT: Approved. Eighth interim fee
19 application of Berkeley Research Group, LLC, ECF 2322, fees
20 sought, \$844,859, expenses \$335.04.

21 MR. BUTLER: Approved.

22 THE COURT: Approved. Fifth interim application
23 for Forchelli Deegan Terrana LLP, ECF 2314, fees,
24 \$46,020.50, expenses \$27.00.

25 MR. BUTLER: Yes, Your Honor.

1 THE COURT: Approved. Fifth interim application
2 of the future claims representative, ECF 2316. Fees,
3 \$114,940; expenses \$562.90.

4 MR BUTLER: Yes, Your Honor.

5 THE COURT: Approved. Fifth interim fee
6 application of Michael R. Hogan, ECF 2328. Fees, \$14,365;
7 no expenses.

8 MR BUTLER: Yes, Your Honor.

9 THE COURT: Approved. Fifth interim fee
10 application of Joseph Hage Aaronson LLC, ECF 2318. That's
11 Gerber's counsel. Fees, \$48,082.50; expenses \$784.23.

12 MR BUTLER: Yes, Your Honor.

13 THE COURT: Approved. Third interim fee
14 application of Jeffreys LLC, ECF 2313. Fees, \$350,000; no
15 expenses. Approved.

16 Second interim application of Lerman Senter PLLC,
17 ECF 2320. Fees, \$6,532.50; no expenses. I'm going to
18 approve it, but I won't - again, the application doesn't
19 break the hours into the billing categories, and time was
20 not billed in one-tenth increments. That's required by the
21 fee guidelines. I debated whether to just turn it down and
22 require them to resubmit it. I'm approving it this time.
23 Mr. Zipes, it may be something, at the end of the day, that
24 you're going to look at, but I won't again. So, you can
25 tell them that they'll follow the guidelines or they won't

1 get fees approved.

2 So, this case was filed on October 1, 2020. On
3 November 4, 2020, Judge Chapman entered an order
4 establishing procedures for interim compensation,
5 reimbursement of expenses of professionals. That's ECF 129.

6 Pursuant to the interim compensation, each
7 professional seeking monthly compensation, must file a
8 monthly fee statement with the Court and serve it upon the
9 Debtor, Debtor's counsel, the US Trustee, and the Committee.
10 If no party objects to the monthly fee statement within 15
11 days, the Debtor must pay 80 percent of the fees and 100
12 percent of the expenses requested in each monthly statement.
13 The remaining 20 percent of the fees for each monthly fee
14 statement shall be withheld from payment until further order
15 of the Court.

16 There's objection deadlines, etc.

17 I look at these figures, and I look at where this
18 case is, and I'm aghast. If the fees in this case had gone
19 to the victims of sexual abuse, there would be a lot more
20 money available. And I'm not picking on any firm. I'm not
21 questioning the work that's been done. I'm questioning
22 where we are almost three years into the case. From my
23 standpoint, little or no discernible progress.

24 The clock is running. I just briefly saw, I
25 think, the Debtor has filed an application. It's in

1 discussions with a potential financier secured by insurance.
2 And I think -- I may have (indiscernible), just before I
3 came on, the Committee is opposing the disclosure that the
4 insurers -- they want to do due diligence. I understand
5 they want to -- not the insurance -- the financing party
6 wants to do due diligence about the claims. Am I wrong on -
7 - Ms. Dine? I thought I saw an objection.

8 MS. DINE: Your Honor, we're not objecting. We've
9 had numerous discussions with the Debtor to resolve our
10 concerns about the release of information and the proofs of
11 claim to the financier. But I think that we have --

12 THE COURT: Have you worked it out?

13 MS. DINE: We've worked it out. And then, as we
14 move forward, to be clear, they are producing the
15 information. We'll be able to evaluate it on a case-by-case
16 basis.

17 THE COURT: Okay.

18 MR. BUTLER: And Your Honor, next week --

19 THE COURT: Mr. Butler, go ahead.

20 MR BUTLER: Apologies, Your Honor. Andrew Butler
21 of Jones Day for the Debtor. Your Honor, next week, the
22 Committee has a motion set for hearing to seek Rule 2004
23 information from Arrowood, that Arrowood filed an objection
24 yesterday, which might be what Your Honor is referencing.

25 THE COURT: Maybe. Okay. I'm frustrated. That

1 ought to be clear to all of you. And you know, why the
2 Debtor thinks it can pick off Plaintiff's lawyers one at a
3 time and not include the Committee, you're going to need the
4 Committee's cooperation. If there's going to be a plan
5 that's going to draw the support of the Committee, the
6 Committee can't be the last at the table to hear about it.

7 I don't control what goes on in the mediation; the
8 mediators can do that. I'm just reiterating, I was serious
9 when I entered that order denying the Motion to Dismiss the
10 case without prejudice. I see Diocese, Archdiocese cases
11 being filed all over the country. I don't know, Ms. Dine,
12 whether your firm is representing Creditors' Committees in
13 some or all of those cases.

14 Is it Penn State Law School that has a website on
15 Catholic diocese, archdiocese cases? I think it was Penn
16 State Law School. I've seen, you know, they list all the
17 cases that have resulted in confirmed plans, all of those
18 that remain pending and how long. I'm just frustrated.
19 Maybe I don't have the same patience that some of the other
20 judges who've had cases pending for three years ... Does
21 the Debtor plan to file a proposed plan disclosure statement
22 before the end of October?

23 MR. ROSENBLUM: Your Honor, Benjamin Rosenblum
24 from Jones Day on behalf of the Debtor. Your Honor, we
25 heard Your Honor's message at the Motion to Dismiss, hearing

1 load and clear, ruling, loud and clear. We are working to
2 come to a consensual plan. We, with the Committee we
3 disagreed with the characterization that Mr. Stang made
4 about us running off and speaking to State Court lawyers.
5 We absolutely are speaking with Plaintiff's firms directly,
6 in part because we want to make sure that the constituents
7 in this case understand the Debtor's position. We are also
8 speaking with the Committee.

9 We told the -- we asked Mr. Stang at the outset if
10 he objected with us speaking with State Court lawyers, and
11 the response was, "Have at it." So, we did. We also
12 continue to speak with the Committee, and you heard Mr.
13 Stang say he got the same presentation that the State Court
14 lawyers received. So, we disagree with the
15 characterization.

16 But we intend to file a plan, if we can reach an
17 consensual plan. And we understand the sort of deadly
18 seriousness of October, the end of October. We understand
19 the deadly seriousness of the fees being incurred in this
20 case. I think that the Committee does too. I think all of
21 the parties share Your Honor's frustration and we're working
22 very hard on it.

23 THE COURT: I'd say I would increase the hold back
24 to 50 percent, but this case may not survive the end of
25 October. Let's move on (indiscernible).

1 MR BUTLER: Thank you, Your Honor. Andrew Bulter
2 with Jones Day for the Debtor.

3 Your Honor, next on the agenda, we have two
4 uncontested motions. The first is at Docket No. 2385.
5 That's the Debtor's motion seeking entry of an order
6 approving the settlement between the Debtor and Catholic
7 Health System of Long Island, Inc.

8 Now, Your Honor, just a few sentences on
9 background on this motion. It's not contested, but to
10 orient the Court, Catholic Health Services, or CHS -- their
11 counsel is here in the courtroom today -- they are seeking
12 an opportunity to take responsibility for their legacy
13 workers' comp claims. The Diocese, when -- it has an
14 insurance program, referred to colloquially as ISIP, and it
15 has a deposit with the Workers' Comp Board; about \$7.6
16 million, that secures those legacy workers' comp claims.

17 CHS is interested in taking the responsibility to
18 be the first payer on those legacy workers' comp claims.
19 And, in exchange for taking on those legacy workers' comp
20 claims, both its claims and the Diocese' claims, the Diocese
21 has entered into -- is seeking authority under this motion,
22 to enter into a term sheet that would give CHS the right to
23 that \$7.6 million deposit held by the Workers' Comp Board.
24 And then, there's a deal that we struck on interest. So,
25 the Diocese would get the first five years of interest from

1 the date of the entry of any settlement documentation, from
2 that date until five years out. And then, from five years
3 after CHS, we get the interest from that date on.

4 So, Your Honor, this motion seeks the Debtor's --
5 seeks authority from the Court for the Debtor to enter into
6 this term sheet. And after that, we would draft and agree
7 on definitive documentation with CHS. And we've had a
8 dialog with the Committee about this motion. They don't
9 object to it. And just quickly, for the record, Your Honor,
10 if I could, would request the declaration of Mr. McDermott,
11 who is here in the courtroom today, in support of the
12 motion.

13 THE COURT: ECF 2386?

14 MR BUTLER: Be moved into evidence, yes, Your
15 Honor.

16 THE COURT: Any objections? It's admitted into
17 evidence.

18 (Plaintiff's Exhibit is admitted into evidence)

19 MR BUTLER: Thank you. If Your Honor has no
20 further questions, we'd request that the proposed order be
21 entered.

22 THE COURT: Ms. Dine, do you want to be heard?

23 MS. DINE: Your Honor, Karen Dine, Pachulski Stang
24 Ziehl & Jones on behalf of the Committee. As Mr. Butler
25 noted, we have no objection, and the Debtor did work with us

1 on this motion and consulted with us. And we think that the
2 relief is in the best interest of the estate.

3 THE COURT: It's approved. Thank you.

4 MR BUTLER: Thank you, Your Honor. Again, Andrew
5 Butler of Jones Day for the Debtor. The final uncontested
6 motion set for hearing today is at Docket No. 2404. This
7 seeks an amendment to the bar date. Your Honor, this
8 motion, as with the prior motion, is uncontested. The
9 Diocese is looking for permission to let litigation funders
10 do due diligence on an Arrowood claims pool, so that they
11 can make financing proposals to the Debtor.

12 Arrowood is an insurer for the Debtor's historical
13 sexual abuse liability. They have ... an insurer for more
14 than half of the claims, so it's a significant insurer here.
15 They're under supervision in the State of Delaware, and they
16 may be under even further supervision by the State of
17 Delaware shortly. And in that event, we have litigation
18 funders that would be willing to make funding to the Diocese
19 secured by the Diocese' claim against the New York State
20 Liquidation Bureau, which would cover any shortfall if
21 Arrowood is unable to pay amounts, if any, due to the
22 Diocese, on account of those historical sexual abuse claims.

23 So, in order to fund, these litigation funders
24 need to look at the proofs of claim or data extracted from
25 the proofs of claim, to evaluate the quality of the

1 collateral.

2 THE COURT: What's the dispute about discovery?
3 Obviously, I got it wrong as to who was objecting. Does it
4 relate to this, that Arrowood is objecting to --

5 MR BUTLER: It relates to Arrowood, Your Honor. I
6 won't describe the Committee's motion for you; it's the
7 Committee's motion. But there are two separate things:
8 Arrowood is involved, theoretically, in both. This is a,
9 would be a litigation funding that's collateralized by the
10 Diocese claim against the New York State Liquidation Bureau,
11 and then I'll let the Committee describe their 2004 motion
12 for you, if they'd like.

13 THE COURT: Okay, sure. Ms. Dine?

14 MS. DINE: Your Honor, Karen Dine again, Pachulski
15 Stang Ziehl & Jones on behalf of the Committee. These are
16 two separate items. The Committee has made a motion under
17 2004, seeking certain information from Arrowood regarding
18 its ability to pay claims in the future. And that is
19 separate and apart from the Debtor's efforts to potentially
20 monetize claims, which we certainly encourage; though at
21 this point, we don't know enough about the proposal, and to
22 whether the Committee would consent to it, or not. But in
23 terms of trying to move it forward and do the due diligence,
24 our main concern was, in providing the information from the
25 proofs of claim, that even if redacted, that there is

1 specific information about abuse and about the survivors
2 themselves, in terms of where they went to school. So,
3 we're trying to make sure it's done in stages, to protect
4 that information as much as possible.

5 THE COURT: That motion, which is not on for
6 today, and our objection to it, is not on -- am I correct?

7 MS. DINE: We are not objecting to that motion,
8 and that is the motion Mr. Butler is presenting. The 2004
9 motion, I believe, is set for the 26th.

10 THE COURT: Yeah, I just -- you know, I was
11 looking (indiscernible) at the docket --

12 MS. DINE: The 12th, I'm sorry.

13 THE COURT: -- before coming on the bench, and I
14 saw it there and, wait a second, does that -- as soon as I
15 saw Arrowood, I was concerned that it was a -- you know, it
16 was going to affect what happened today with respect to this
17 motion.

18 MS. DINE: No, Your Honor, they're two distinct
19 issues and that, the motion that the Debtor is making does
20 not involve getting discovery from Arrowood; it involves
21 information from the proofs of claim, which was the
22 Committee's concern. And I misspoke, I believe the 2004 is
23 scheduled for September 12.

24 THE COURT: Okay, all right. This motion is
25 approved Mr. Butler.

1 MR BUTLER: Andrew Butler, Jones Day for the
2 Debtor. Your Honor, that wraps up the agenda except for
3 claim objections. So, I'll turn it over to Mr. Geremia.

4 THE COURT: Okay.

5 MR. GEREMIA: Good afternoon. Todd Geremia of
6 Jones Day for the Debtor, and may it please the Court.

7 This omnibus claim objection addresses claims that
8 were previously disallowed by the Court, and as to which the
9 Court afforded Claimant's leave to amend. The claims in
10 this objection fall into three categories that we addressed
11 in our reply brief.

12 The first category, and that's most of them, are
13 claims where there have been no real material amendments.

14 THE COURT: Yeah, so with the sixth omnibus, when
15 I granted the sixth omnibus objection, I granted leave to
16 amend as to many of the claims. And they did. And you
17 objected to the amended claims, essentially arguing that
18 they really didn't address the issue that the Court -- the
19 basis for the Court's ruling, in the sixth. That basically
20 --

21 MR. GEREMIA: That's correct, Your Honor. And as
22 Your Honor, I'm sure recalls, in connection with the sixth
23 omnibus claim objection, there were the claims. And in many
24 cases, complaints attached to those claims. But then, of
25 course, the responses, where Claimant's counsel put in a lot

1 more information. And the Debtor didn't object to the Court
2 considering those responses and the assertions made in them
3 in ruling on the sixth omnibus objection.

4 So, Your Honor already addressed all of that
5 material, found it inadequate to state a claim against the
6 Debtor. And really, as to almost all of the claims at issue
7 now -- the Anderson response is a little distinct -- it's
8 simply recycled material that was previously submitted in
9 connection with the sixth omnibus --

10 THE COURT: So, the record is clear. You'll
11 correct me if I'm wrong, it's a while already. When I ruled
12 on the sixth omnibus objection, it was focused on religious
13 orders or institutions within the geographical area of the
14 Diocese, where the Debtor's position is these were
15 independent religious orders, or institutions, not under the
16 control of the Diocese, and that they had failed to state a
17 claim against the Diocese.

18 MR. GEREMIA: That is correct, Your Honor. Little
19 Flower is an additional one that was run by the Diocese of
20 Brooklyn.

21 THE COURT: In several of the opinions I issued on
22 claim objections, I recounted the standards, the federal
23 pleading standards, which I think I referred to and no one
24 really disputed, is more stringent than the state pleadings
25 standards. And that because the proof of claim forms only

1 required fairly simple information that didn't really go to
2 the elements of the claims under the state law claims, I
3 asked you about considering what they had put in their
4 responses, and you said that would be permissible.

5 Nevertheless, I sustained objections to give them
6 a chance to come back with more if they thought they had
7 more. And that's where we are now, on the 16th omnibus
8 objection.

9 MR. GEREMIA: That's all correct, Your Honor.

10 THE COURT: So, do you believe that any of the
11 proposed amended claims satisfy the federal pleading
12 standards? And if not, why? So, I think you acknowledge,
13 that I think Anderson had added some -- I think it was
14 Anderson you referred to -- had added some allegations that
15 had not been in the responses.

16 MR. GEREMIA: There's a new theory that had not
17 been before Your Honor, in connection with the sixth omnibus
18 claim objection. And that is, in the Anderson responses,
19 it's single brief submitted on behalf of all the claims at
20 issue, addressed by the Anderson firm. And the Anderson's
21 firm notion is that because, pursuant to canon law, the
22 bishop confers and remove faculties for priests within the
23 Diocese, that that is tantamount to hiring them, by
24 bestowing faculties; firing them by removing them.

25 That is not the case. Faculties are, as a matter

1 of Roman Catholic doctrine, in a phrase, the authority under
2 Catholic Church doctrine, to engage in religious rituals.
3 It is ... we addressed it in some more detail in our brief,
4 but the authority to baptize individuals, to anoint the
5 sick, the administer the Eucharist, hear confessions, to
6 engage in priestly activities in accordance with Roman
7 Catholic doctrine. It is not tantamount to secular hiring
8 and firing individuals.

9 And in fact, the very notion has been addressed
10 before in the Bouchard case, that we cite in our papers.
11 That was an instance where a woman claimed that she was
12 abused by a priest who -- a religious order priest, I
13 believe -- who was visiting the Archdiocese of New York, and
14 visiting within a parish, and was hired by that parish.
15 That is a different circumstance than all of the claims that
16 are at issue here, where religious order priests worked at
17 separately run institutions, not diocesan parishes.

18 So, we don't believe that that moves the needle in
19 any meaningful way. Your Honor addressed canon law in some
20 detail in the sixth omnibus opinion.

21 THE COURT: I never thought I would have to, but I
22 did.

23 MR. GEREMIA: And ultimately, ruled that none of
24 that discussion of doctrine redounded to real world facts,
25 reflecting that the diocese hired, fired, or controlled the

1 alleged abusers, or the institutions at issue. Faculties,
2 the conferring of faculties, doesn't move that needle any
3 further either. It's simply the bishop's authority to
4 determine whether a priest can administer religious rituals
5 in accordance with Catholic doctrine.

6 The Anderson response doesn't respectfully say
7 much about that, complains a lot about the objections being
8 made.

9 THE COURT: There were a lot of responses other
10 than the Anderson response. As to the others, do you have
11 an argument?

12 MR. GEREMIA: I do. Your Honor, I could also
13 address it, certainly in any rebuttal, but they think that,
14 basically, fall into two categories. One is -- and this is
15 most of them -- simply recycle factual allegations that were
16 already made to Your Honor, and in some instances, attach a
17 new conclusory allegation to them; say that, well, this
18 entity was within the geographical confines of the Debtor.

19 THE COURT: Well, they were. That was the whole
20 issue on the sixth omnibus objection; they were institutions
21 within the geographical boundaries.

22 MR. GEREMIA: Yes.

23 THE COURT: On a prior opinion, I had dealt with,
24 what if they were outside the jurisdiction. With the sixth,
25 we felt, if they were within the geographical boundary.

1 MR. GEREMIA: Correct. That was the starting
2 premise with the sixth. They're within the geographical
3 confines. That, of course, was not enough. And there were
4 a lot of other facts discussed by your honor, which were not
5 adequate to state a claim. And in the claims that are in
6 that batch, which are -- we've set them out in each, on our
7 brief, the Herman Law response, the Dowd response, there's a
8 Garabedian response -- are all, some variation on recycling
9 factual allegations that were already presented to Your
10 Honor, and then slapping a new label on them; usually,
11 simply that these entities were within the geographical
12 confines of the Debtor, which we don't think is enough and
13 Your Honor addressed in detail.

14 THE COURT: Okay, just let's go back to the
15 Anderson response, which -- well, we'll save it for your
16 reply. Let me hear from -- unless you have anything else
17 you want to add.

18 MR. GEREMIA: No. And then there's the second
19 category which is similar to the first category. And that
20 involves the Merson Law response and the Thomas Counselor
21 response, which is, Your Honor addressed in some detail, the
22 notion that under federal law, it is not enough to just say,
23 here's the elements of the claim, recite those in your
24 complaint and say that, you know, the Defendant did X, Y, Z.
25 You have to attach some facts to that.

1 So, this set of allegations, as we addressed in
2 the reply brief, simply makes conclusory assertions of an
3 employment or agency relationship; but then has the facts to
4 illustrate those relationships, takes the same facts that
5 were already presented to Your Honor in the sixth omnibus
6 objection.

7 So, for example, with respect to Chaminade and
8 LaSalle Military, the notion is, well, the Diocese appointed
9 a different individual, a chaplain, for example, to these
10 institutions.

11 THE COURT: Not the alleged abuser?

12 MR. GEREMIA: Not the alleged abuser. Or the
13 Diocese and the bishop attended sporting events, or said
14 mass, and thereby supervised employees. But those were
15 already observed by Your Honor to be simply -- I think you
16 said a series of disjointed observations about the
17 interactions between the Debtor and the institute at issue.

18 THE COURT: How many ... I didn't try to ... how
19 many of those religious orders, independent schools, still
20 exist?

21 MR. GEREMIA: LaSalle Military no longer exists.
22 Chaminade does.

23 THE COURT: Are there state court lawsuits against
24 Chaminade?

25 MR. GEREMIA: Yes.

1 THE COURT: For the same, by these same --

2 MR. GEREMIA: Absolutely. And that's -- you know,
3 part of our motion, we can address in some detail the
4 presentations we've made to Plaintiffs' counsels, go pursue
5 those folks. We want you to get your relief there. But we
6 want to give you some money here for those claims that you
7 have that are legitimate as to the Diocese.

8 THE COURT: Okay, anything you want to add before
9 I turn to --

10 MR. GEREMIA: Nothing else, Your Honor.

11 THE COURT: All right, let me hear from the people
12 who responded to the objection. I don't know whether you --
13 I see Mr. Stoneking on the screen, but I don't know whether
14 you all agreed on an order in which you would do the
15 presentations or not. But you're the one I see, so go
16 ahead, Mr. Stoneking.

17 MR. STONEKING: Thank you, Your Honor. Can you
18 hear me okay?

19 THE COURT: I can. I can hear you fine.

20 MR. STONEKING: I'm having a little bit of
21 technical difficulty, so I'm getting it back on. I'm going
22 to put this down. I don't want to reargue some of the
23 things that we covered in the sixth. And I know that we
24 raised some of these issues before. So, we're here to go
25 over some of the repleading you allowed us to do. I think

1 that we covered a lot of the things that were addressed by
2 the Court. The Court made it clear as to what the standards
3 were, and we tried to meet those as a part of the
4 repleading.

5 The main thing that I thought like it would be
6 helpful to do, was to give Your Honor some context in a case
7 that was not objected to over again, which did involve
8 Chaminade. And it was a situation where the Diocese made
9 the allegation, like they did for all these other
10 individuals, that they had no control over them, no control
11 over Chaminade, and that this is a completely independent
12 organization.

13 So, there was a document that we attached to our
14 reply saying, you know, this is a letter from the bishop in
15 which the President of Chaminade, who was already suspended
16 by his religious order, was suspended by the bishop.

17 So, that shows this, the nature of this
18 relationship, which we did raise, in the context of the
19 sixth, and the fifth, that the bishop does have authority to
20 remove and to place these individuals in various roles
21 within the Diocese. There was no point. And I don't think
22 the Diocese made a case on these individuals for that
23 reason; they didn't object to it because of this sort of
24 document. But it does have application outside of that
25 particular case, to show the relationship that goes across

1 the Diocese. But the Bishop is in a position to remove
2 these folks, (indiscernible), in whatever role.

3 And Mr. Geremia addressed it, you know, with his
4 own testimony just now, describing what faculties means, and
5 the scope of that. But again, we're here under that Rule 12
6 standard. And you know, his testimony on this issue is
7 denying us of the merits of that discussion, which would be
8 -- you know, it's covered by the objection procedures, and
9 it is not something we have an opportunity to really address
10 here as part of this motion to dismiss.

11 So, we would say that the Chaminade letter shows
12 Your Honor the dynamic that we're dealing with here; that
13 the Diocese does have authority over these folks, was in a
14 position to regulate their access to children, to put in
15 safe guidelines for the safety of children in these
16 facilities that are institutions of the Diocese in their
17 public filings, and that they were negligent in doing that.

18 To disallow these claims, the Diocese would have
19 to show that there is no claim under law that we could
20 succeed with to hold them responsible. And I don't think
21 they've done that.

22 THE COURT: Thank you, Mr. Stoneking. All right,
23 do other counsel for Claimants want to be heard, that are
24 subject to counsel whose clients are subject to this
25 objection?

1 MR GORDON: Yes, Your Honor, my client, Claimant
2 would. William Gordan from Garabedian, with regard to
3 Claimant 90601, previous Claimant 90130. We understand, and
4 we read the well written decision on the sixth objection.
5 But what is not addressed in that decision was the JD versus
6 (indiscernible) Diocese New York case, which came out late
7 March, that talked to (indiscernible) brief that.

8 THE COURT: Your voice cut out. I didn't get --
9 you said JV (sic) versus -- I missed the name of the case.

10 MR GORDON: JD versus the Archdiocese of New York,
11 and it's in our papers, and it's a 214 AD 3d 561. That was
12 a case in which the Supreme Court judge in New York County,
13 said the Archdiocese was not liable for what a Jesuit priest
14 did; couldn't be. And the First Department reversed that
15 decision.

16 Now, part of, a large part of this is
17 (indiscernible) in New York. They said that enough was
18 pled. But what happened a month later, or a little bit more
19 than a month later, May 9, the First Department then issued
20 the JAF decision versus the Archdiocese of New York, and
21 that involved a Marist priest and a Marist brother. And
22 they said, listen, we've been clear, these religious orders
23 can be dismissed out where -- not the religious orders, the
24 Archdiocese cannot be dismissed out, where it's conduct by a
25 religious order in the (indiscernible) of the Archdiocese.

1 Now, yes, these are pleading standard cases, but
2 the Court, the First Department, in two cases now, could not
3 come to that conclusion if New York substantive law, on its
4 face, would not allow finding liability of a Diocese,
5 because of conduct of religious order brothers and priests.
6 And that's the heart of what these claims are.

7 THE COURT: What's the cite of the JAF case?

8 MR GORDON: JAF is at 216 AD 3d 454. Again,
9 that's also in our response to the sixth omnibus objection.

10 THE COURT: All right.

11 MR GORDON: And so, what these cases make clear is
12 New York State recognizes this. I will say, I don't know
13 how many dozens, maybe 70 cases, by the same Supreme Court
14 judge, ruled in favor of the Diocese. Parties -- there are
15 large numbers of motions to renew and reargue, and all of
16 them are being reversed, and the Archdiocese is being
17 brought back into those cases. So, we have an issue here
18 where State Court, again and again, is saying, where the
19 actor, the perpetrator, was a religious order priest or
20 brother, there can be liability of the diocese, and that can
21 only be resolved after discovery, to learn the full extent
22 of its involvement.

23 Now, we did more than plead that. As you know,
24 particularly with regard to our case, we referred to this as
25 -- because they're, the law firm (indiscernible) worked with

1 on these cases in this, in your rulings (indiscernible)
2 claim; now it's called the Garabedian claim. But we had
3 attached an affidavit of Father Doyle that was focused on
4 this particular claim, and it talked about the structure of
5 the diocese. And you did go into that.

6 Our client was abused when he was nine years old.
7 All these clients were abused when they were children. He's
8 not going to acknowledge specific knowledge of the
9 relationship between a priest, whether they're Jesuit or
10 diocesan, and the leadership of the diocese. All he's going
11 to be able to tell us about is what happened when he was
12 nine years old. Then all we can do is, what's in the public
13 arena? Well, what's in the public arena are the rules of
14 the church. And we're not concerned about who says mass,
15 how they say mass; we're concerned with who is assigned to
16 have unfettered access to children. And in these rules
17 (indiscernible) supervised by a provincial, if you're a
18 religious priest. And if you have interaction with
19 parishioners, by the bishop of the diocese.

20 And so, that's what we pled. That's what it all
21 boils down to. Who had responsibility to allowing these
22 people to have unfettered access to children? So, we
23 attached Father Doyle's affidavit, and we explained in the
24 addendum how the structure of the Church, rules of the
25 Church, who has authority to assign people or pull people

1 away, indicates that the bishop had a real role here, the
2 diocese had a real role. It wasn't theoretical.

3 And we also make reference to a very specific
4 decree, around 1965, by Vatican II, because this abuse
5 occurred before the adoption of the 1983 Code of Canon Law.
6 So, it was the 1917 Code of Canon Law, and the decrees that
7 happened up until the time of the abuse in the early '80s,
8 which was prior to the adoption of the 1983 Code. And that
9 decree says that all religious have to be answerable to the
10 bishop. And if it was not in court, the bishop would be
11 very plain, "I've got authority over everything that has to
12 do with interaction with parishioners, either through my
13 diocesan priests or priests who have (indiscernible)
14 parishioners. I call the shots." That's what it boils down
15 to.

16 And that's why we say, until we do discovery, we
17 can't prove any more than what we've pled; which is to go to
18 an expert, to lay out the rules of the church, which says
19 who is responsible. As the Martinelli says, you can look to
20 those rules and say, who has a duty? What is the
21 responsibility of these supervisors? That's what we did.
22 That is all (indiscernible). And now, we've got the problem
23 of the Appellate Court in New York saying, the Appellate
24 Division saying, of course this has to be worked out through
25 discovery, because on its face, these people have

1 responsibility. We've given you more than what was given to
2 the Appellate Division, which was just simply allegations;
3 we've given you the expert, the references to the canons
4 which show who had authority. That's all we're concerned
5 (indiscernible), who had authority to (indiscernible) people
6 to have unfettered access to children? And that's all we
7 really wanted to add today, Your Honor.

8 THE COURT: Do you have an action pending against
9 the religious order?

10 MR GORDON: It was probably, I believe in this
11 case, we have a Supreme Court case that named both the
12 religious order and the Diocese so it's until this is
13 resolved. So, yes, we did bring an action against the
14 Jesuits in this case.

15 THE COURT: And it's still pending? Is that
16 correct?

17 MR GORDON: It's stayed right now until it's
18 finally dismissed out. But yeah, there is a Supreme Court
19 case that, by operation of bankruptcy law, because we named
20 the Diocese, is stayed.

21 THE COURT: Well, it's -- we'll be more clear
22 about it. When the Motion for a Preliminary Injunction was
23 heard and decided by this Court, the Committee agreed that
24 the stay would remain in place as to those State Court
25 actions that named both the Diocese and parishes of

1 religious orders. That wasn't a ruling of this Court. That
2 was, when the motion was brought by the Committee, that was
3 the relief they sought. I think, at various times I, indeed
4 I commented, that it's not uncommon for State Court actions
5 -- let's put aside the church cases -- not uncommon in State
6 Court actions against debtors and non-debtors, for there to
7 be -- while the stay applies to the debtor only, for a State
8 Court to grant a motion to sever and to proceed against the
9 non-debtors, that issue has not been presented to me. When
10 the motion, the injunction motion was made and decided, the
11 Committee expressly excluded any requests for relief with
12 respect to State Court actions that named the Diocese and a
13 non-debtor. Ms. Dine, do you agree with that?

14 MS. DINE: Your Honor, I do agree with that.

15 THE COURT: Okay. So, you know, Mr. Gordon,
16 that's what the state of affairs is. Yes, you are correct
17 that, with the agreement of the Committee, the stay remains
18 in place as to cases, State Court actions that name both,
19 unless and until somebody were to make a motion to ... I'm
20 not sure where you even have to come here. You can go to
21 State Court and ask to bifurcate and proceed against the
22 non-Debtor.

23 MR GORDON: Your Honor, the way I remember the
24 original preliminary injunction that the Diocese obtained,
25 if you had a case that named the Diocese and a non-debtor,

1 you were prohibited from moving to sever in State Court.

2 So, we're a little bit in a gray area now.

3 THE COURT: Well, I'm not sure you are, but in any
4 event, the Court remains prepared to resolve that issue, if
5 you wish, on regular motion. But when I was asked to rule
6 on the preliminary injunction, the Diocese' preliminary
7 injunction motion, the Committee agreed that the stay would
8 remain in place as to those State Court actions that name
9 both the Diocese and a Diocese-related non-debtor party.
10 So, that's correct. Anything else you want to add, Mr.
11 Gordon?

12 MR GORDON: No, Your Honor. Thank you.

13 THE COURT: Thank you very much. Other counsel
14 who wish to be heard, or the Claimants? Please, come on up
15 to the microphone.

16 MS. CANTOS: Good afternoon, Judge. Sarah Cantos
17 from Merson Law on behalf of Claimants 90430 refiled.

18 THE COURT: Good afternoon. It's nice to have you
19 in the courtroom. One of these days I'm going to order
20 everybody to appear. People have said, well, I'm in Long
21 Island, I don't want to have to come in. And I abided it so
22 far, but --

23 MS. CANTOS: I did not know not coming in was an
24 option, but glad to be here.

25 THE COURT: I'd much rather have people at the

1 podium. Okay, go ahead.

2 MS. CANTOS: So, I represent 90430, 90447 and
3 90424. I don't want to repeat what my colleague said. But
4 the Diocese only points out three allegations that were made
5 in very lengthy amendments, for these Claimants. In the
6 original decision, this Court held for the abuser control
7 theory. You named some factors that were, worked at their
8 own convenience, free to engage in other employment, risky
9 fringe benefits, was on the employer's payroll, and was on a
10 fixed schedule. Those were added. 90430, 90447 alleged
11 that the abuser was an employee of the Diocese and operated
12 on a fixed schedule created by the Diocese. Specifically,
13 that was the school and club schedule; he's their teacher
14 and he was the radio club faculty member; that the Diocese
15 did not permit him or other Chaminade teachers, to work at
16 their own convenience. They were not free to engage in
17 other employment. They received fringe benefits and was on
18 the payroll, and included facts that the abuser --

19 THE COURT: Whose payroll were they on?

20 MS. CANTOS: The Diocese' payroll, is based on --
21 you know, obviously, they were students, but based on
22 information and observation. And we included also, the
23 Diocese had a pension plan set up for lay employees of
24 schools, parishes, cemeteries, and related pastoral
25 organizations, which this abuser was a part of. And Claimant

1 9024 also alleged, you know, that as fulltime employee of
2 the Diocese, worked on that fixed schedule as well. For the
3 institutional control theory, this Court held that it needed
4 to be alleged that the agent be subject to the principal's
5 direction, and the agent had power to alter legal relations
6 between the principal and third parties.

7 So, they alleged that the Diocese had disciplinary
8 authority; that they would come in, check on the teachers,
9 and the students, and supervise them; that it was obvious to
10 them that they operated as one organization. The Diocese
11 facilitated their entrance, their admission into the school
12 through --

13 THE COURT: What do you mean?

14 MS. CANTOS: They took a entrance exam that was
15 through the Diocese. The Diocese sent the scores and the
16 applications to the school, and facilitated that connection
17 between them. The Diocese had, you know, priests for
18 confession, there was sacraments done. The Diocese
19 permitted the Marianist Brothers to operate Chaminade as a
20 school within its bounds. And then, so that's what we
21 alleged for that, which I think satisfies this Court, prior
22 ruling.

23 And then, for 90424, it was included that St.
24 Mary's was a group home that within the Diocese, operated
25 and under the control of the Diocese. They hired, retained

1 and supervised the employees. They had the ability and
2 power to remove and fire the abuser, but didn't. There was
3 a chapel also staffed by the Diocese. And then, so on those
4 grounds, based on this Court's prior ruling the Debtor's
5 objection should be overruled.

6 But even more, for Claimants 90430 and 90447, at a
7 minimum, there's a parent agency, which facts were included
8 for that, including that these claimants and their parents
9 chose Chaminade specifically based on their alliance on
10 representations made by the Diocese and Chaminade; that
11 Chaminade was part of the Diocese, including, again,
12 facilitating their entrance to the school, the involvement
13 at the school, with the bishop and the priests, and the
14 sacraments.

15 So, based on that, we believe that the objection
16 should be overruled.

17 THE COURT: Thank you, Ms. Cantos. Anybody else
18 wish to be heard for Claimants? Do you know of anybody
19 else? It's always hard for me see. I don't know who may
20 have signed up. Let me try one more time.

21 One last opportunity for any of the Claimants'
22 counsel to be heard in response to the oral argument of
23 counsel? I have the papers, I've read all the papers, but I
24 just -- is there anybody else who wishes to be heard, that's
25 not been heard so far? Mr. Geremia?

1 MR. GEREMIA: Todd Geremia from Jones Day, for the
2 Debtor, Your Honor. Just briefly, to address the three
3 presentations made by Mr. Stoneking, Mr. Gordon, and Ms.
4 Cantos.

5 The argument from the Anderson response is an
6 unusual one that points to other proofs of claim that were
7 at issue in the sixth omnibus objection, but are not at
8 issue now. And as we alluded to in our reply brief, the
9 reason for that, there are different allegations in those
10 cases. Proof of claim 9060 ... let me just get the number
11 here ... 90602, concerns a former president of Chaminade
12 High School. And there are allegations -- let me make
13 clear, the Diocese disagrees with these allegations. But
14 there are allegations that the Diocese was involved and
15 consulted with the Marianists in elevating him to that
16 position a president. And there are allegations that the
17 Diocese was involved, and had discussions with the
18 Marianists, in removing him from that position.

19 Paragraph 6 of that proof of claim addendum: "The
20 Bishop and the Diocese had an absolute and independent right
21 to remove Williams from his position at Chaminade for any
22 reason." Paragraph 7: "The decision to renew his position
23 and to promote him to president of the school were made by
24 the Diocese in consultation with the province." This is not
25 about the fact that the bishop conferred and removed

1 faculties for this individual. There are different
2 allegations in the proofs of claim that Mr. Stoneking
3 invoked that are not, frankly, in any of the allegations
4 that are subject to the 16th omnibus objection. So, we
5 reviewed them all, and chose the ones as to which we felt
6 Claimants had not really made a material change.

7 And the other ones at issue on the Anderson
8 objection do not have those sorts of allegations. They make
9 two principal points.

10 THE COURT: Let me ask -- and I didn't do anything
11 to check this. Were there ones that were, your objection
12 was sustained with leave to amend in the sixth, were made
13 amendments that you're not seeking go expunge?

14 MR. GEREMIA: Yes, there were two.

15 THE COURT: I didn't --

16 MR. GEREMIA: These two by Anderson, related to
17 Chaminade: Brother Williams, and there's another one,
18 Brother William Campbell.

19 THE COURT: And you think that what was -- whether
20 you ultimately prevail or not is a different issue, but you
21 think the distinguishing factors that led you not to object
22 to the amended claims as to some of them -- what were those
23 distinguishing factors?

24 MR. GEREMIA: That the -- and we just didn't want
25 to have the fight, frankly, on this objection, that there

1 were allegations that the Diocese was involved in secular
2 decisions to promote those individuals within Chaminade, and
3 secular decisions to remove them from Chaminade and have
4 them relocated to a different location that the Marianists
5 operated. So, those are not -- you know, we actually think
6 we may have had an argument there; we chose not to raise
7 that issue with Your Honor. We chose the ones, instead,
8 that we thought simply rehashed allegations that Your Honor
9 already addressed. And you know, we will have, if it ever
10 comes to it, we understand that there's the looming
11 deadline, we would have serious factual disputes about those
12 allegations, and not even conceding that they're properly
13 alleged. But it's different than what's alleged in the
14 (indiscernible).

15 THE COURT: So, Mr. Gordon argued that a series, a
16 number of recent New York Appellate Division decisions that
17 reversed the trial court level, which had dismissed the
18 claims, and at least allowed those claims to go to
19 discovery, why shouldn't this Court follow those decisions?

20 MR. GEREMIA: That was the JD decision, Your
21 Honor, which was --

22 THE COURT: Yeah, he cited JD and JAF.

23 MR. GEREMIA: And the JAF decision largely
24 followed that. The JD decision was raised in, I think,
25 almost all of the responses on the sixth omnibus objection,

1 and a couple of --

2 THE COURT: (indiscernible) remind me why you
3 don't think that's enough?

4 MR. GEREMIA: Because -- two reasons: It dealt
5 with a CPLR provision that, frankly, has no analog in
6 federal pleading standards that's, as to which, if the
7 defendant submits a document that refutes the allegations,
8 then the claim may be dismissed on that ground. And the
9 ruling by the Appellate Division in that case was really
10 specific to that narrow issue of state law, held that the
11 document, the affidavit that the Archdiocese submitted, did
12 not conclusively refute the allegations. And so, therefore,
13 the claim should proceed. So, there's not procedural analog
14 in Rule 12(b)(6).

15 Your Honor, as you may recall, took Claimants to
16 task for not citing a single federal law pleading case in
17 responding to the sixth omnibus objection, nor have they in
18 the 16th. The decision sets out, series of decisions --
19 (indiscernible), Sahara Dreams, DeAngelis, Bigio, Fletcher,
20 and we cited to Your Honor, Fox News. None of those cases
21 have been dealt with. There's a different standard in
22 Federal Court where the allegation of employment or agency
23 has to be pleaded with facts. That's simply not the case in
24 State Court.

25 THE COURT: Why all of these Claimants would be

1 better off in State Court than here.

2 MR. GEREMIA: And Your Honor has made the point,
3 better off in a consensual claim.

4 THE COURT: In any plan that could be proposed and
5 confirmed, the claims resolution procedure, I respectfully
6 think, wouldn't have to follow the federal pleading
7 standards, which I'm bound to follow in ruling on claim
8 objections. It's ... I hope that the State Court Claimants
9 understand that in many respects they would be better off
10 and wouldn't face what I'm, by law, bound to follow on the
11 federal pleading standards. They're, at least as I
12 understand, the claims resolution process in some of the
13 confirmed Diocese plans, would provide an easier road to
14 compensation for abuse (indiscernible). I'm not, you know,
15 those issues are not before me at this point. But, okay.

16 What about, Ms. Cantos went through and identified
17 multiple factors that I identified in the opinion in the
18 sixth omnibus objection, which she believes her clients have
19 satisfied with their amendments. So, tell me why not?

20 MR. GEREMIA: Because those were a recitation of
21 the elements as to an employment or agency relationship.
22 Claimant said, "It is my understanding that ..." and then
23 just had conclusory allegations that those elements were
24 met.

25 THE COURT: What if they just said priest so-and-

1 so was under the supervision of the Diocese? Not, my
2 understanding is that ... we ... yes, I believe that
3 conclusory allegations in and of themselves are not
4 sufficient. But I'm going to go back and review Ms.
5 Cantos's submissions on behalf of her clients. So, I'll
6 look peripherally at whether, have they sufficiently
7 alleged, satisfied, identified the factors that I thought
8 had to be addressed, but had not been. And is there
9 anything else you want to add to why you think that she has
10 not satisfied the requirements?

11 MR. GEREMIA: Yes, one more point, Your Honor,
12 which is that the, I think the tell is in there are those
13 conclusory assertions, diocese supervise this person. But
14 then, when there's actual facts that are used to illustrate
15 those assertions and purportedly support them, they're the
16 same facts that Your Honor already disregarded or rejected
17 as inadequate --

18 THE COURT: I didn't disregard; I rejected.

19 MR. GEREMIA: Rejected. For example, I had to
20 take a test through the Diocese of Rockville Centre. The
21 Diocese facilitated my admission to Chaminade. The bishop
22 would attend events such as masses, graduations, and
23 supervise them. So, the facts that are offered in support of
24 the supervision allegation, are the same things that Your
25 Honor already said are disjointed observations about

1 interactions, and don't rise to the level of establishing an
2 employment or agency relationship. I think the same thing
3 is true for the St. Mary of the Angels home, which is,
4 points to the fact that a chaplain was appointed by the
5 Diocese, but that's a non-abuser.

6 So, the facts that are used to purportedly
7 illustrate the relationship are the same facts that Your
8 Honor said already are not enough.

9 THE COURT: Okay. Anything else?

10 MR. GEREMIA: No, thank you, Judge.

11 THE COURT: All right, I'm going to take this all
12 into submission.

13 MR. GEREMIA: Thank you.

14 THE COURT: And since I have a new crop of law
15 clerks, they'll all have the opportunity to delve into this
16 area, which I knew nothing about before.

17 MR. GEREMIA: A challenge.

18 THE COURT: A challenge. All right, thank you
19 very much. We are adjourned.

20 MR. GEREMIA: Thank you, Your Honor.

21 (Whereupon these proceedings were concluded at
22 3:27 PM)

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I N D E X

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Amendment to the bar date motion Approved	43	25

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde".

Sonya Ledanski Hyde

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Date: September 8, 2023

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